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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL MONTWILLO, an individual)	CASE NO. C 07 3947 SI
)	
Plaintiff,)	
)	NOTICE OF WITHDRAWAL OF MOTION
vs.)	FOR STAY OF PROCEEDINGS
)	
WILLIAM TULL; DANIEL GIBBY;)	Hearing Date: November 16, 2007
GIBBY NOVELTIES, LLC dba)	Hearing Time: 2:00 p.m.
ARSENIC & APPLE PIE, a California)	Ctrm: 10
Limited Liability Corporation and DOES)	
1 through 20, inclusive,)	Complaint filed: August 1, 2007
)	
Defendants.)	

Defendants WILLIAM TULL; DANIEL GIBBY; GIBBY NOVELTIES, LLC hereby
withdraw their pending Notice and Motion for a Stay of Proceedings in this matter. This
withdrawal of motion is based on the dismissal, by Plaintiff, of the related State Court
Proceeding in this matter, and the decision by the Arbitrator that despite the prior stipulation to
allow this matter to be resolved by binding arbitration, Plaintiff was entitled to unilaterally
withdraw the matter from that binding arbitration, resulting in the dismissal of that proceeding as

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NOTICE OF WITHDRAWAL OF MOTION FOR STAY OF PROCEEDINGS

1 well. This notice of withdrawal is made without prejudice of the right of Defendants to seek a
2 subsequent such motion in the event Plaintiff, whose dismissal of the State Court action was
3 made without prejudice, reinstates that state court action at a later date.
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5 November 8, 2007

Respectfully submitted,

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8 DAVID Y. WONG, Esq.
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10 Attorneys for Defendants William Tull,
11 Daniel Gibby and Gibby Novelties, LLC
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